

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ALFA CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:20cv553-MHT
)	(WO)
ALPHA WARRANTY SERVICES,)	
INC.,)	
)	
Defendant.)	

ORDER

Plaintiff Alfa Corporation ("Alfa Corp.") filed this lawsuit claiming defendant Alpha Warranty Services, Inc. ("Alpha Warranty") infringed and diluted Alfa Corp.'s trademark in violation of the Lanham Act, 15 U.S.C. § 1051, *et seq.* Alfa Corp. also brought common-law trademark infringement and state dilution claims against Alpha Warranty. This court has jurisdiction pursuant to 15 U.S.C. § 1121(a) (Lanham Act); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1338 (trademarks); 28 U.S.C. § 1332(a) (diversity); and 28 U.S.C. § 1367(a) (supplemental).

This case is currently before the court on the defendant's motion to dismiss, or alternatively, for summary judgment. The court finds that the motion to dismiss must be denied because it is untimely, *see* Fed. R. Civ. P. 12(b), and that summary judgment is not warranted at this time.

Accordingly, it is ORDERED that defendant Alpha Warranty's motion to dismiss, or alternatively, for summary judgment (Doc. 24) is denied.

DONE this the 17th day of September, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE